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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,510	10/08/2002	Elliot Wright		7828

7590 11/19/2004
Michael Y Epstein
387 King Street Apt A
Charleston, SC 29403

EXAMINER

MILORD, MARCEAU

ART UNIT PAPER NUMBER

2682

DATE MAILED: 11/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/089,510

Applicant(s)

ELLIOT WRIGHT

Examiner

Marceau Milord

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 8-11 and 16-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-11 and 16-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 8-11, 16-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Narisada et al (US Patent No 5896094)

Regarding claim 1, Narisada et al discloses a radio control receiver (figs. 1-3) for operating a plurality of devices each on a respective device channel, the receiver having data storage containing code unique to the receiver (col. 2, lines 26-62; col. 4, lines 30-40), a tuner (53 of fig. 3) arranged to scan a plurality of radio channels, and a processor (33 of fig. 2) for processing receiver identifying code received on a channel, with the unique code to determine whether transmissions on the channel are intended for the receiver (col. 3, lines 18-27), said tuner being responsive to an output from the processor indicating that transmissions on the channel are intended for the receiver (col. 3, line 25- col. 4, line 47), to lock onto that channel, and to the output from the tuner indicating that the transmissions on that channel are not intended

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for the receiver, to tune to another of the plurality of radio channels (col. 4, line 36- col. 5, line 54).

Regarding claim 2, Narisada et al discloses a radio control receiver (figs. 1-3) for operating a plurality of devices each on a respective device channel, wherein the unique code is processed with received code periodically (col. 3, lines 23-43).

Regarding claim 3, Narisada et al discloses a radio control receiver (figs. 1-3) for operating a plurality of devices each on a respective device channel, wherein the unique code is processed with received code each time a set of fail safe information is received (col. 3, lines 40-62).

Regarding claim 4, Narisada et al discloses a radio control receiver (figs. 1-3) for operating a plurality of devices each on a respective device channel, wherein the unique code is processed with received code each time a frame of data for a set of device channels is received (col. 4, lines 10-65).

Regarding claim 8, Narisada et al discloses a radio control receiver (figs. 1-3) for operating a plurality of devices each on a respective device channel, the transmitter having data storage for storing codes which when processed with a corresponding unique code indicate that transmissions are intended for the receiver, an input device for setting codes in the data store and for selecting codes for transmission, and a processor for transmitting control data and a selected code on the same radio channel (col. 4, line 36- col. 5, line 54).

Regarding claim 9, Narisada et al discloses a radio control receiver (figs. 1-3) for operating a plurality of devices each on a respective device channel, wherein the selected code is transmitted periodically (col. 3, lines 23-43).

Regarding claim 10, Narisada et al discloses a radio control receiver (figs. 1-3) for operating a plurality of devices each on a respective device channel, wherein the selected code is transmitted each time a set of fail-safe information is transmitted (col. 3, lines 40-62).

Regarding claim 11, Narisada et al discloses a radio control receiver (figs. 1-3) for operating a plurality of devices each on a respective device channel, wherein the selected code is transmitted each time a frame of data for a set of device channels is transmitted (col. 4, line 36- col. 5, line 54).

Regarding claim 16, Narisada et al discloses a radio control receiver (figs. 1-3) for operating a plurality of devices each on a respective device channel, wherein the unique code is interpretable at a communication port (col. 5, lines 1-54).

Regarding claim 17, Narisada et al discloses a radio control receiver (figs. 1-3) for operating a plurality of devices each on a respective device channel, wherein the receiver is part of a transceiver equipped to transmit signals indicating poor reception (col. 3, lines 40-62).

Regarding claim 18, Narisada et al discloses a radio control receiver (figs. 1-3) for operating a plurality of devices each on a respective device channel, wherein the processor is operative to compare the received code with the unique code and to give an output indicating that that transmissions on the channel are intended for the receiver when the compared codes are identical, and otherwise to indicate that the transmissions on that channel are not intended for the receiver (col. 3, line 24- col. 4, line 56; col. 2, lines 31-66).

Regarding claim 1, Narisada et al discloses a radio control receiver (figs. 1-3) for operating a plurality of devices each on a respective device channel, wherein said input device

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includes means for interrogating a communication port of the receiver (col. 3, line 40- col. 4, line 60).

Regarding claim 20, Narisada et al discloses a radio control receiver (figs. 1-3) for operating a plurality of devices each on a respective device channel, which is part of a transceiver equipped to receive signals indicating poor reception from the receiver and to change channels in response to receipt of such signals (col. 4, line 30- col. 5, line 54).

Regarding claim 21, Narisada et al discloses a radio control receiver (figs. 1-3) for operating a plurality of devices each on a respective device channel, which is part of a transceiver equipped to receive signals on the channel in use by the transmitter, the transceiver being arranged to cease transmission periodically and then to change the channel in the event that significant interference is received on the channel in use (col. 4, line 30- col. 5, line 54).

Regarding claim 22, Narisada et al discloses a radio control receiver (figs. 1-3) for operating a plurality of devices each on a respective device channel, wherein the stored code is identical to the unique code (col. 3, line 24- col. 4, line 56).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marceau Milord whose telephone number is 703-306-3023. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian C. Chin can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MARCEAU MILORD

Marceau Milord
Examiner
Art Unit 2682


MARCEAU MILORD
PRIMARY EXAMINER

11-12-04